IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMMONS NO.1263 OF 2005
IN
SUMMARY SUIT NO.2302 OF 2002

Hotel Corporation of India Ltd., ..Plaintiffs

V/s.

Mrs.Hema Juneja & ors. ..Defendants

And

Mr.Kushaljeet Singh ..Respondent

Ms.Rekha Tavde i/by M.V.Kini & Co. for plaintiffs.

Mr.Chaurasia i/by A.M.Saraogi for Respondent.

Coram : A.M.Khanwilkar,J

Date : 24.10.2005.

PC

. Heard Counsel for the parties.

1. This application is for impleading Mr.Khushaljeet Singh as defendant no.5 the Proprietor of STUDIO 2100 and for consequential amendment in the plaint. The application is resisted by the respondent-proposed defendant no.5 on the ground that if the application is granted, cause of action will change. Besides the claim of the plaintiff itself is time barred.

2. In my opinion, however, the applicant is

justified in moving the present application as the fact that proposed defendant no.5 is a Proprietor of STUDIO 2100 came to the knowledge of applicant only after reply affidavit is filed by respondent no.1 in response to the summons for judgment in this Court. As proposed defendant no.5 is the Proprietor of STUDIO-2100 against whom suit has been instituted for recovery of outstanding dues, the application as filed will have to be granted. The question that the suit claim has become barred by limitation need not be considered at this stage. That aspect will have to be considered at the appropriate stage in the suit proceedings. Accordingly, Chamber summons made absolute in terms of prayer clauses-(a) and (b). Amendment to be carried out within 6 weeks. No order as to costs.

(A.M.Khanwilkar,J)